

***United States Court of Appeals
for the
District of Columbia Circuit***



**TRANSCRIPT OF
RECORD**

Court of Appeals, District of Columbia.

APRIL TERM, 1906.

No. 1675.

No. 9, SPECIAL CALENDAR.

UNITED STATES ON THE RELATION OF FRANK S. GANNON, APPELLANT,

vs.

THE PRESIDENT AND DIRECTORS OF GEORGETOWN COLLEGE, A CORPORATION.

BRIEF FOR APPELLEE.

The petition in this cause differs from the petition in cause No. 1670, special calendar, No. 6, only in this, that the petition is filed on the relation of the father of the student instead of on the relation of the student himself, through his father. The brief filed in No. 1670, therefore,

is asked to be considered as a part of this brief, and in addition thereto we desire only to call the attention of the court to the fact that when the petition in this proceeding was filed there was a pending judgment of the supreme court of the District of Columbia in cause No. 1670, instituted, controlled, and looked after (because he was present at the hearing) by the petitioner, Frank S. Gannon, the petitioner in this cause, and raising every issue that is raised in this cause, and that the judgment in said cause No. 1670 constituted an estoppel to the institution of this suit.

The only other question to which we would direct the attention of the court has relation to the statement contained in the sixth paragraph of the petition, which paragraph is identical with the sixth paragraph of the petition in No. 1670, wherein it is alleged that "it is now very nearly in the middle of the school year, and that his son has prosecuted his studies as is shown herein, with diligence, industry and with ability and has maintained his standing in an enviable way up to the time of the action of the defendant aforesaid; that the action of said defendant corporation by its president in expelling his said son from the institution is a serious reflection on his said son, and that it constitutes a stigma upon the latter which will work to his great detriment and disadvantage in the future, and is a serious blow to be without justice inflicted upon him at the threshold of his manhood and his career; that it would be impossible for his said son to enter at this time, another institution of learning, even were said stigma removed, without great and irreparable loss, and without losing practically a year of hard work as he could not start in another educational institution in a class representing similar progress at this time, but would be compelled to start his freshman year over again."

It will be observed that this petition was filed April 11, and, according to paragraph six of the return and the exhibits therein mentioned, the petitioner was informed in January that his son would be received at St. Francis Xavier

College, New York, and that on the 23d day of January he was registered as a student in that college, but did not remain, but left at his own volition or at the instance of the petitioner, and, further, that the son of the petitioner, W. Edward Gannon, was at the time of the filing of the return a student at Fordham College, New York.

Respectfully submitted.

GEORGE E. HAMILTON,
M. J. COLBERT,
JOHN J. HAMILTON,
For Appellee.